IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM STANFORD, JR., individually and on behalf of all other similarly situated persons and on behalf of the Foamex L.P. Savings Plan,

Plaintiff, : CIVIL ACTION NO. 07-4225

FOAMEX L.P. et al.,

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Defendants.

ORDER

AND NOW, this 29 day of September, 2011, upon careful consideration of the motions for summary judgment filed by Fidelity Management Trust Co. ("Fidelity") (document no. 162) and by Foamex L.P., K. Douglas Ralph, Stephen Drap, Gregory J. Christian, and George L. Karpinksi (collectively, the "Foamex defendants") (document no. 173); plaintiff William Stanford, Jr.'s motions for partial summary judgment as to the liability of Fidelity (document no. 169) and as to the liability of Foamex and Christian (document no. 167); Fidelity's motion to exclude the opinion of Dr. Dennis Logue on "authority" issues (document no. 166); and the responses and replies thereto, IT IS HEREBY ORDERED as follows:

- 1. Fidelity's motion for summary judgment (document no. 162) is **DENIED**.
- 2. The Foamex defendants' motion for summary judgment (document no. 173) is

 GRANTED IN PART AND DENIED IN PART. The motion is GRANTED as to the claims in

 count I against Ralph, Drap, and Karpinski, but the motion is DENIED as to all the remaining

claims.

- 3. Plaintiff's motion for partial summary judgment as to the liability of Foamex and Christian under counts I and III is **DENIED**.
- 4. Plaintiff's motion for partial summary judgment as to the liability of Fidelity under count IV is **DENIED**.
- 5. Fidelity's motion to exclude the opinion of Dr. Dennis Logue on "authority" issues is **DENIED AS MOOT**.
 - 6. Trial in this matter is scheduled for December 5, 2011, at 10:00 a.m.

Villiam H. Yohn, Jr., Judge